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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,871	02/12/2004	Shaibal Roy	ID-494 (80215)	6107
27975	7590	01/30/2006	EXAMINER	
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791			BHATIA, AJAY M	
			ART UNIT	PAPER NUMBER
			2145	
DATE MAILED: 01/30/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/777,871

Applicant(s)

ROY, SHAIBAL

Examiner

Ajay M. Bhatia

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

***Claim Rejections - 35 USC § 112***

Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Protocol is used profusely throughout the claims but is unclear what the definition of the term is, since the term has many possible interpretation applicant should clearly define protocol in the claim. It is possible that the term protocol changes definition and or the term protocol is not referring to the same protocol through out the claims, if so please clarify by defining the protocol by what its intent application is to differentiate the protocols (i.e. wireless communication protocol, synchronization protocol, infrared protocol, etc...)

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claims 29-33 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Rejected claim(s) do not clearly define the claimed invention as a tangible embodiment therefore claim(s) are non-statutory applicant is suggested "a computer readable medium on a tangible embodiment".

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Publication 2003/0004955 Cedola et al. in view of Gilhuly et al. U.S. Patent 6,701,378.

For claim 1, Cedola et al. discloses, a communications system comprising:

a plurality of mobile wireless communications devices each using at least one of a plurality of different operating protocols to send at least one access request; (Cedola, figure 3, paragraph 29)

a plurality of data storage devices for storing data files, each data file being associated with a respective mobile wireless communications device (Cedola, figure 3, paragraphs 36-38), each data file having a unique identification (UID)

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associated therewith, (Cedola, figures 4-6, paragraphs 36-38) and each data storage device using at least one of the plurality of different operating protocols; and (Cedola, figure 3, paragraph 29)

a protocol interface device comprising a protocol converter module for communicating with said plurality of mobile wireless communications devices using respective operating protocols thereof, (Cedola, paragraph 27, 29, 39) and a protocol engine module for communicating with said plurality of data storage devices using respective operating protocols thereof, (Cedola, figure 3, paragraph 27, 29, 39) said protocol engine module also for polling said data storage devices for UIDs of data files stored thereon, (Cedola, figure 2, paragraphs 36-38, 41-44) and for cooperating with said protocol converter module to provide UIDs for respective data files to said mobile wireless communications devices upon receiving access requests therefrom. (Cedola, figure 2, paragraphs 36-38, 41-44)

Cedola does not disclose clearly, wherein said polling occurs even when there is no communication with a mobile wireless communication device to maintain UID's

Gilhuly, in the same field of endeavor, (h), teaches, wherein said polling occurs even when there is no communication with a mobile wireless communication device to maintain UID's (Gilhuly, 56-64, retrieve more if the user desires)

Cedola is comparable with Gilhuly, because, Cedola allows for a mobile communication service provider and Gilhuly allows to be supported by a service provider. (Gilhuly, Col. 2 line 67) (Cedola, paragraph 28)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to Cedola with Gihuly, because Gihuly provides the advantage of triggering the continuous and real-time of user selected data items. (Gihuly, Col. 3 line 14-16)

For claim 2, Cedola-Gihuly teaches, wherein said protocol engine module detects new data files stored on said data storage devices based upon UIDs thereof, and wherein said protocol engine module cooperates with said protocol converter module to (Cedola, abstract, figure 3, figures 4-6, figure 7, paragraph 4, paragraph 27, paragraph 28, paragraphs 36-38, paragraph 39, paragraphs 41-44)

send alert notifications to respective mobile wireless communications devices upon detecting new data files therefor. (Gihuly, Col. 3 lines 18-32, email) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 2.

For claim 3, Cedola-Gihuly teaches, wherein said protocol interface device further comprises a memory coupled to said protocol engine module for storing the UIDs. (Cedola, paragraphs 36-38, paragraph 39, paragraphs 41-44)

For claim 4, Cedola-Gihuly teaches, wherein said protocol engine module polls said data storage devices only for UIDs. (Cedola, paragraphs 36-38, paragraph 39, paragraphs 41-44)

\*For claim 5, Cedola-Gihuly teaches, wherein said protocol engine module polls said data storage devices based upon a static polling interval. (Gihuly, Col. 3 line 14-16, continuous) The same motivation that was utilized in the rejection of claim 2, applies equally as well to claim 5.

For claim 6, Cedola-Gihuly teaches, wherein said protocol engine module polls said data storage devices based upon an adaptive polling interval. (Gihuly, Col. 3 line 14-16, real-time, and triggering) The same motivation that was utilized in the rejection of claim 2, applies equally as well to claim 6.

For claim 7, Cedola-Gihuly teaches, wherein said protocol converter module and said protocol engine module communicate using a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol. (Cedola, paragraph 39 )

For claim 8, Cedola-Gihuly teaches, wherein the common interface protocol is based upon a Web-based distributed authoring and versioning (WebDAV) protocol. (Cedola, abstract, paragraph 3, paragraph 29)

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For claim 9, Cedola-Gihuly teaches, wherein said plurality of data storage devices, said plurality of wireless mobile communications devices, and said protocol interface device process electronic mail (e-mail) messages. (Cedola, paragraph 27 )

For claim 10, Cedola-Gihuly teaches, further comprising a wide area network (WAN) connecting at least one of said wireless mobile communications devices with said protocol interface device. (Cedola, paragraph 27, paragraph 28, figures 4-6)

For claim 11, Cedola-Gihuly teaches, further comprising a wide area network (WAN) connecting at least one of said data storage devices with said protocol interface device. (Cedola, paragraph 27, paragraph 28, figures 4-6)

Claims 12-33 list all the same elements of claims 1-11, but in interface, method and medium, form rather than system form. Therefore, the supporting rationale of the rejection to claims 1-11 applies equally as well to claims 12-33.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached UPSTO 892.



Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason Cardone  
Supervisor Patent Examiner  
Art Unit 2145

AB